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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,603	07/18/2003	Takayuki Kondo	OKI.551	2801

20987 7590 11/17/2005

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EXAMINER

CHUNG, PHUNG M

ART UNIT PAPER NUMBER

2138

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/621,603	<b>Applicant(s)</b> KONDO, TAKAYUKI	
	<b>Examiner</b> Phung My Chung	<b>Art Unit</b> 2138	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/18/03</u> . | 6) <input checked="" type="checkbox"/> Other: ____                                     |

1. The aforementioned technical papers, on page 2:

“JP-A-6-95913”,

“JP-A-5-334120”, and

“JP-A-2001-249823”

are noticed. However, applicant is requested to provide these aforementioned technical papers so that examiner can consider them fully.

2. Claims 1-31, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 1-2, “A failure analysis system...comprising” is not clear whether the failure analysis system, the logic LSI or the software comprising all of the functions...in the body of the claim.

In addition, line 1, “a logic LSI” and lines 8-9, “a normal logic LSI” is not clear as to what they meant. What are the different between the logic LSI and the normal logic LSI?

As per claim 2, lines 1-2, “A failure analysis system...comprising” is not clear whether the failure analysis system, the logic LSI or the software comprising all of the functions...in the body of the claim.

In addition, line 1, “a logic LSI” and line 7, “a normal logic LSI” is not clear as to what they meant. What are the different between the logic LSI and the normal logic LSI?

As per claim 3, lines 1-2, "A failure analysis system...comprising" is not clear whether the failure analysis system, the logic LSI or the software comprising all of the functions...in the body of the claim.

As per claim 4, lines 1-2, "A failure analysis system...comprising" is not clear whether the failure analysis system, the logic LSI or the software comprising all of the functions...in the body of the claim; and

line 8, "the emulator" does not have a clear antecedent basis.

As per claim 7, line 3, "said trace difference" does not have a clear antecedent basis.

As per claim 8, line 3, "the RAM and the register" do not have a clear antecedent basis; and

Line 4, "the defect" does not have a clear antecedent basis.

As per claim 12, line 2, "said terminal signal information" is not clear whether it is referred to the terminal signal information of the LSI logic or the normal LSI logic; and line 3, "the analog signal information" does not have a clear antecedent basis.

Claim 17 is a hybrid claim. This is because the preamble of the claim is a failure analysis method, but the body of the claim is a system including all of the means....

In addition, line 1, "a logic LSI" and lines 8-9, "a normal logic LSI" is not clear as to what they meant. What are the different between the logic LSI and the normal logic LSI?

Claim 18 is a hybrid claim. This is because the preamble of the claim is a failure analysis method, but the body of the claim is a system including all of the means....

In addition, line 1, "a logic LSI" and line 7, "a normal logic LSI" is not clear as to what they meant. What are the different between the logic LSI and the normal logic LSI?

Claim 19 is a hybrid claim. This is because the preamble of the claim is a failure analysis method, but the body of the claim is a system including all of the means....

Claim 20 is a hybrid claim. This is because the preamble of the claim is a failure analysis method, but the body of the claim is a system including all of the means....

In addition, line 8, "the emulator" does not have a clear antecedent basis.

As per claim 21, line 2, "said terminal signal information" is not clear whether it is referred to the terminal signal information of the LSI logic or the normal LSI logic; and lines 3-4, "the register and the RAM data" do not have a clear antecedent basis.

As per claim 23, line 3, "said trace difference" does not have a clear antecedent basis.

As per claim 24, line 3, "the RAM and the register" do not have a clear antecedent basis; and

Line 4, "the defect" does not have a clear antecedent basis.

As per claim 28, line 2, "said terminal signal information" is not clear whether it is referred to the terminal signal information of the LSI logic or the normal LSI logic; and line 3, "the analog signal information" does not have a clear antecedent basis.

As per claims 5-6, 9-11, 13-16, 22, 25-27 and 29-31, these claims are also rejected because they dependent upon the rejected base claims.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 9, 12-20, 25 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinbo et al (6,438,081) in view of Yamauchi (6,105,156).

As per claims 1, 9 and 12 -16, Jinbo et al disclose a method for recording and reproducing data, comprising:

A function to record the terminal signal information in synchronization with a clock;

A function to reproduce the recorded terminal signal information in synchronization with the clock; and a phase comparator. (See col. 1, lines 11-22 and col. 2, lines 50-56). Jinbo et al do not specifically disclose a function to compare the reproduced terminal signal information with the terminal signal information. However, Yamauchi discloses an LSI tester for use in analyzing a possible fault of an LSI

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including a function to compare the reproduced terminal signal information (output pattern value) with the terminal signal information (expected value). (See col.1, lines 66-67). Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention, to modify the phase comparator of Jinbo et al to compare the reproduced terminal signal information (output pattern value) with the terminal signal information (expected value) as taught by the comparator of Yamauchi so that inconsistency can be detected and correct.

As per claims 2-4, 17-20, 25 and 28-31, these claims are rejected under the similar rationale as set forth in claim 1, 9 and 12-16.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung My Chung whose telephone number is 571-272-3818. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phung My Chung', with a long horizontal line extending to the right.

Phung My Chung  
Primary Patent Examiner  
Art Unit 2138